

IMPEDING ACCESS TO INFORMATION, TRANSPARENCY & ACCOUNTABILITY

INACTIVE GOVERNMENT ON PROACTIVE DISCLOSURE

Dereliction of Duty by the Federal Government
Under the Federal Right of Access to Information
Act, 2017



International Day for Universal Access to Information (IDUAI) –
28 September 2018

An assessment of the state of compliance of statutory obligations
of proactive information disclosure by the federal ministries of
Pakistan

ADNAN REHMAT and MUHAMMAD AFTAB ALAM

IRADA
Institute for Research, Advocacy & Development

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About this study: This research was voluntarily conducted by **Waseem Rashid Hashmi**, an independent expert on RTI issues and designed and its results analyzed by **Adnan Rehmat**, freelance journalist, analyst and media development expert, and **Muhammad Aftab Alam**, rights activist, law advocate and media law and digital rights expert, on behalf of the **Institute for Research, Advocacy and Development (IRADA)**, an Islamabad-based independent research and advocacy organization focusing on social development and civil liberties. The research was conducted in mid-2018 ahead of the July 2018 general elections in Pakistan.

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Acronyms

Freedom of Information	FOI
Institute for Research, Advocacy and Development	IRADA
Proactive Disclosure Index	PDI
Right to Information	RTI
Sustainable Development Goal	SDG
The United Nations	UN
United Nations General Assembly	UNGA

EXECUTIVE SUMMARY

Pakistan is a constitutional state that practices parliamentary democracy through participatory and pluralist politics. Among the set of fundamental rights that the Constitution professes are **freedom of expression** (Article 19) and **access to information** (Article 19A). Pakistan's drive to equity and sustainable development hinges on accountability. For effective accountability transparency is imperative and Pakistan's legal framework guarantees this through right to information (RTI) laws at the federal and provincial levels.

While Pakistan was the first country in South Asia to enact a first-generation information access law through its freedom of information ordinance in 2002, it has since evolved into second-generation legislation in the shape of RTI laws both at the federal and provincial levels beginning with the Khyber Pakhtunkhwa enacted law in 2013, followed by Punjab in 2014, Sindh in 2016 and the federal level in 2017. Balochistan was still being governed by the first-generation law by the autumn of 2018.

Why do we need **right to information**? RTI empowers citizens to optimally benefit from all recognized rights and to claim others. It also makes governments and public agencies accountable and transparent. Allowing people to seek and receive public documents serves as a critical tool for fighting corruption, enabling citizens to more fully participate in public life, making governments more efficient, encouraging investment, and helping persons exercise their fundamental human rights.

In Pakistan there hasn't been available, until this report, an investigation into the compliance of public bodies in relations to the country's second-generation RTI laws. This report specifically looks at investigating compliance with the most progressive clause of the Federal Right of Access to Information, 2017 – Section 5: **proactive disclosure** of a set of 39 categories of information that each federal public body is required to provide to the people. But what is **proactive disclosure**? It is the action of making government and public bodies' records or information available to citizens for review without their need to make a formal access request under access legislation, including RTI laws. Compliance with proactive disclosure requirements is the litmus test of the commitment to not just transparency and accountability but to good governance.

The results of this study throw up some startling findings and indicate that specifically the federal ministries, the parent bodies of most federal public bodies, are majorly deficient in proactively disclosing even basic information about themselves. For instance, around a third of all federal ministries are not even online even though Section 5 of the Federal Right of Access to Information Act, 2017, requires each one of them to have their separate websites by April 13, 2018. Only 29 out of a total of 46 federal ministries, functional until 30 July 2018, even have websites. Of these, 17 don't even have websites and therefore are in 100% non-compliance of the Act. This means every third federal ministry is not online and, therefore, in 100% non-compliance with the proactive disclosure clause of the Act.

Even among the 29 federal ministries online, most perform from bad to poor in terms of the set of 39 mandatory categories of information they must disclose proactively. Even the best performing federal ministry in this regard – the Ministry of Finance – scores less than 50% in terms of 100% compliance with proactive disclosure requirements. The four worst performing ministries are in less than 20% compliance with the proactive disclosure requirements.

Even worse, most federal ministries fail to provide over half the categories of information on their website required under the proactive disclosure clause. Only five of the 39 categories of information are provided by a majority – around 80% – of the 29 ministries.

There seems to be a disinterest by the federal government in enforcement of the Federal Right of Access to Information Act, 2017, which is manifested in extended delays regarding some of the Act's most critical enforcement aspects, including, establishing an Information Commission within six months of the enactment of the law, and appointing designated focal persons to facilitate access to information under the law by almost all the ministries.

Overall, the federal government of Pakistan is a poor performer in enforcing not just the proactive disclosure clause but the entire Federal Right of Access to Information Act, 2017. This apathy is nullifying the spirit behind the law to promote transparency and accountability of the federal government and therefore jeopardizing the quality of democracy in Pakistan.

PART 1: BACKGROUND

Right to information is a fundamental right and considered the cornerstone of a functional democracy. According to the United Nations General Assembly (UNGA) Resolution 59(1), this right is the touchstone of all freedoms to which the United Nations (UN) is consecrated. Prior to 2010, access to information was acknowledged as a legal right through freedom of information [FOI] laws at various levels in Pakistan. Article 19A, introduced through the Eighteenth Constitutional Amendment in 2010, recognized this right as a constitutional right. This right is now enforceable through high courts. Moreover, by late 2018, four out of five federating units – Federal, Khyber Pakhtunkhwa, Punjab and Sindh – had enacted specialized right to information [RTI] laws for their respective jurisdictions. This makes Pakistan one of the few countries in the world with multi-tiered legal framework on RTI.

Proactive disclosure is a distinctive feature of the second-generation RTI laws in Pakistan. These laws were enacted after the Eighteenth Constitutional Amendment, which recognizes RTI as a fundamental right through Article 19-A. The FOI laws – hereinafter referred to as the first-generation FOI laws – which existed in the pre-Eighteenth Amendment era at the federal level and in the provinces of Balochistan and Sindh – did not have proactive disclosure provisions. In the post-Eighteenth Amendment period, federal FOI and Sindh FOI laws have been replaced with second-generation RTI. The Balochistan FOI Act 2005, however, was still in force by late 2018.

Proactive disclosure information categories

Under these laws, public bodies are required to proactively disclose several categories of information. One such provision is Section 5 of the Federal Right of Access to Information Act 2017. The categories of information, record and reports, mentioned in Section 5, include description of public bodies' organizational structure/ organogram; their mission statement, functions, duties and responsibilities and conditions upon which members of public body can acquire any license, permit, consent, approval, grant, allotment or other benefits from any public body. These categories of information also include description of public bodies' decision-making processes, detailed budget including proposed and actual expenditures, original and revised revenue targets and progress on implementation of various clauses of the Act, etc. Similar provisions are given in the Khyber Pakhtunkhwa Right to Information Act 2013 (Section 5), the Punjab Transparency and Right to Information Act, 2013 (Section 4) and the Sindh Transparency and Right to Information Act, 2016 (Section 6).

Section 5 of Federal Right of Access to Information Act 2017 (hereinafter referred to as the Act) requires public bodies to proactively disclose several categories of information. These include; description of public bodies' organizational structure/ organogram, their mission statement, functions, duties and responsibilities and conditions upon which members of public body can acquire any license, permit, consent, approval, grant, allotment or other benefits from any public body. These categories of information also include description of public bodies' decision-making processes, detailed budget including proposed and actual expenditures, original and revised revenue targets and progress on implementation of various clauses of the Act, etc. (Section 5 of the Act is reproduced as *Annexure A*).

Why is this study needed?

The definition of a 'public body,' given in the Act, encompasses all federal ministries, courts, parliament, and several incorporated and unincorporated bodies working under the federal statutes. As per the Act, each public body is required to publish and upload over internet, the

information and records, mentioned in Section 5 within six months of the commencement of the Act. Since the law was enacted in October 2, 2017, all ‘public bodies’ were supposed to proactively disclose this information by April 13, 2018. However, it appears that a big majority of public bodies still lag significantly behind in either ensuring their online presence or, if their websites exist, provide only a limited amount of information proactively. This situation requires a comprehensive assessment of the implementation of statutory obligation of proactive disclosure at all levels. This is also needed to comply with Pakistan’s commitments made under SDG 16.10.02. However, no such exercise so far has been undertaken in the country, resulting in this report.

What is this study about?

As a pilot exercise, this study aims at assessing *compliance of statutory obligations of proactive information disclosure by the public bodies at the federal level*. This study is intended to:

- Identify federal public bodies that maintain official web-based/online presence;
- Assess the state of proactive disclosure compliance by bodies maintaining websites;
- Rank the bodies in terms of compliance of obligations under Section 5 of the Act.

Nevertheless, due to resources constraints, it is beyond our capacity to extend the scope of research to the massive number of public bodies at the federal level. Therefore, this study is limited only to the *assessment of proactive disclosure of a selected number of federal ministries*. The criteria and methodology of selection of public bodies for this study is explained as a part of the Framework of Analysis of the study below.

Scope of the study and timeline for data collection

The study aims to assess the state of compliance of obligations of proactive disclosure at the federal level. Nevertheless, given the enormous number of organizations falling under the definition of ‘public body’ in the Act and limited resources available, the scope of this study is restricted only to those 29 (out of 46) federal ministries, which currently have web presence.¹ For the purpose of this study, the data referred hereinafter was collected during the months of June-July 2018.

Roadmap and outline of this report

This report begins with **Part 1** which includes an executive summary of data collection methodology and process as well as key outcomes of the research. It also provides a background and an introduction of the study, its rationale, scope and timeline for collection of the data. **Part 2** of the report explains the framework of analysis and methodology for the conduct of the study. **Part 3** of the report provides ministry-wise scorecard of compliance of the indicators. **Part 4** details out indicator-wise scorecard of compliance by ministries. In the end, the report provides a summary of the key findings of the research.

¹ List of Federal Ministries, which have their dedicated websites, is given on <http://www.pakistan.gov.pk/>

PART 2: FRAMEWORK OF ANALYSIS / METHODOLOGY

The primary purpose of this study is to examine the compliance of obligations under Section 5 of the Act and assess the state of proactive disclosure by selected public bodies at the federal government level in Pakistan. Literature review shows that no such study, which specially focuses on implementation/compliance of obligations of proactive information disclosure, has been conducted so far. Therefore, this study – being premier in its nature – is conducted through indigenously developed research methodology, indicators and tools. However, to ensure relevance of the study to global discourse on RTI and proactive disclosure, a methodology developed by the FOIANet² to assess implementation of the Sustainable Development Goal (SDG) 16.10.02, is also consulted. This baseline study is a desk-based research and relies upon the information available on the official websites of the selected public bodies until July 2018.

Indicators

To undertake this baseline study, it was necessary to develop comprehensive research indicators that could help indicate compliance or non-compliance of the obligations of proactive disclosure. For this purpose, the categories of information/record/reports, mentioned in Section 5 of the Act, have been divided into 39 measureable indicators. Each indicator carries equal weightage i.e., ONE (01) for compliance and ZERO (00) for non-compliance to avoid ambiguity in the results. A detailed list of indicators is given in Part 4 of the study.

Data sheet on proactive disclosure

The above-mentioned 39 indicators were, then, applied to the information, available federal ministries that have official websites, to develop ministry-wise data sheets. Consisting of seven columns, these datasheets provide:

- (i) Reference to the relevant clauses of Section 5 of the Act;
- (ii) List of 39 indicators;
- (iii) Total score a public body can achieve;
- (iv) Maximum score of the public body;
- (v) Location of the indicated information on the website;
- (vi) Relevant Uniform Resource Locator (URL) for each of the indicators; and
- (vii) Number of indicators being complied/non-complied with by each ministry.

Given the equal weightage of each indicator, the maximum score for a public body can be 39. The datasheets provide maximum achievable score as well as the score a public body actually achieved – both in numerical and percentage terms. For example, a public body, which complies with 14 out of 39 indicators, will get 14 marks – i.e. 35.90%. Datasheets of the best performing and least performing ministries are given as **Annexure B**.

² The Freedom of Information Advocates Network (FOIANet) is an international information-sharing network of organizations and individuals working to promote the right of access to information. There are currently over 815 individuals part of the network, including civil society representatives, lawyers, academics, information commissioners and others with a specialised interest in the right to information. (<https://foiadvocates.net/>)

Proactive Disclosure Index (PDI)

The data collected through the above datasheets was put into a customized and structured excel sheet – named as Proactive Disclosure Index (PDI). This index contains a list of the above-mentioned indicators as well as ministry-wise scorecard on compliance of the indicators. It also provides data on indicator-wise compliance by federal ministries that have an official website. For example, the PDI shows how many indicators have been complied by a selected ministry (Ministries' Scorecard). Similarly, it also details out that how many ministries have implemented a particular indicator (Indicators' Scorecard).

The information gathered through PDI is further developed into a Ranking Report / Compliance Tracker, producing a comparison of the selected public bodies with each other as well as overall ranking of the federal government in the Compliance Tracker. In simple terms, the maximum score for a single ministry can be 39 whereas maximum compliance score for each indicator can be 29. In accumulation, the maximum score of the federal government – represented through a sample of 29 federal ministries that have a website in this research – can be 1,131. However, the actual results of the scorecards, i.e., *ministries' scorecard*, *indicators' scorecard* and an *overall governmental scorecard* are given in subsequent chapters of the study. The PDI is given as **Annexure C** (as a separate Sheet).

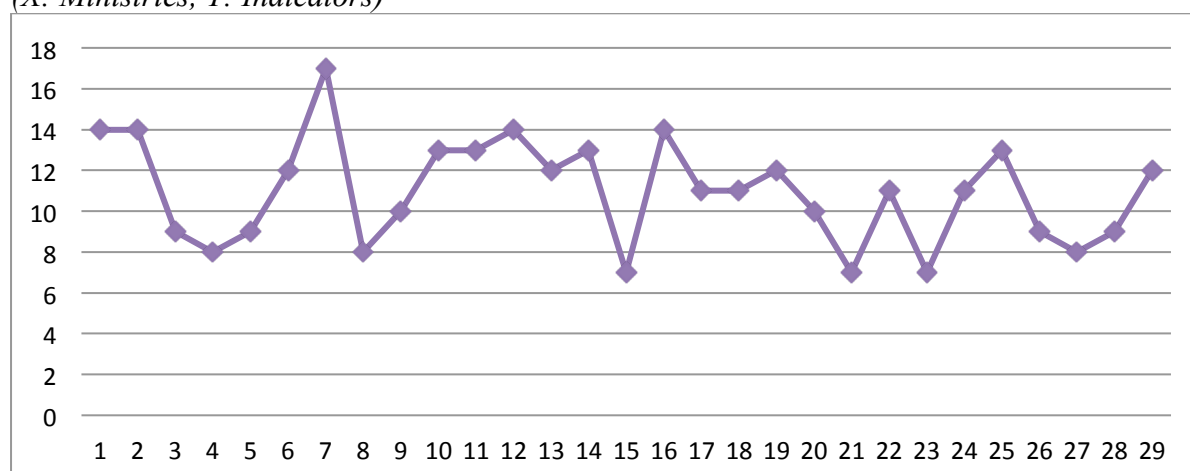
PART 3: MINISTRY-WISE SCORECARD (OF COMPLIANCE OF INDICATORS)

Based on the information collected through datasheets, the chart below provides an overall picture of the compliance of the indicators by the following 29 federal ministries that maintain an official website:

1. Ministry of Commerce and Textile.	2. Ministry of Climate Change
3. Ministry of Communications.	4. Ministry of Defense.
5. Ministry of Defense Production.	6. Ministry of Federal Education and Professional training.
7. Ministry of Finance.	8. Ministry of Foreign Affairs.
9. Ministry of Housing and Works	10. Ministry of Industries and Production.
11. Ministry of Information, Broadcasting, National History and Literary Heritage.	12. Ministry of Information Technology and Telecommunications.
13. Ministry of Interior	14. Ministry of Inter Provincial Coordination.
15. Ministry of Kashmir Affairs and Gilgit Baltistan.	16. Ministry of Law and Justice.
17. Ministry of Narcotics Control.	18. Ministry of National Food Security and Research.
19. Ministry of National Health Services, Regulations and Coordination.	20. Ministry of Overseas Pakistanis
21. Ministry of Parliamentary Affairs	22. Ministry of Planning, Development and Reforms.
23. Ministry of Maritime Affairs	24. Ministry of Railways.
25. Ministry of Religious Affairs and Interfaith Harmony.	26. Ministry of Science and Technology
27. Ministry of States and Frontier Regions.	28. Ministry of Statistics
29. Ministry of Water Resources	

CHART 1: State of proactive disclosure by federal ministries

(X: Ministries, Y: Indicators)



Data Analysis

The table below provides details of ministry-wise scorecard of compliance of obligations – to proactively disclose information – under Section 5 of the Act.

Table 1: List of Ministries and their Scorecards (Numerical and Percentage)

No	Ministries	Score Achieved (out of 39)	Percentage
1	Ministry of Finance	17	43.59%)
2	Ministry of Commerce and Textile	14	35.89%
3	Ministry of Climate Change	14	35.89%
4	Ministry of Information Technology and Telecommunications	14	35.89%
5	Ministry of Law and Justice	14	35.89%
6	Ministry of Industries and Production	13	33.33%
7	Ministry of Information, Broadcasting, National History & Literary Heritage	13	33.33%
8	Ministry of Inter Provincial Coordination	13	33.33%
9	Ministry of Religious Affairs and Interfaith Harmony	13	33.33%
10	Ministry of Federal Education and Professional Training	12	30.76%
11	Ministry of Interior	12	30.76%
12	Ministry of National Health Services, Regulations and Coordination	12	30.76%
13	Ministry of Water Resources	12	30.76%
14	Ministry of Narcotics Control	11	28.20%
15	Ministry of National Food Security and Research	11	28.20%
16	Ministry of Planning, Development & Reforms	11	28.20%
17	Ministry of Railways	11	28.20%
18	Ministry of Housing and Works	10	25.64%
19	Ministry of Overseas Pakistanis	10	25.64%
20	Ministry of Communications.	9	23.07%
21	Ministry of Science and Technology	9	23.07%
22	Ministry of Defense Production.	9	23.07%
23	Ministry of Statistics	9	23.07%
24	Ministry of Defense	8	20.51%
25	Ministry of States and Frontier Regions.	8	20.51%
26	Ministry of Foreign Affairs	8	20.51%
27	Ministry of Kashmir Affairs and Gilgit Baltistan	7	17.94%
28	Ministry of Parliamentary Affairs	7	17.94%
29	Ministry of Maritime Affairs	7	17.94%

OVERALL MINISTRY-WISE FINDINGS: Overall the ministries achieved only poor to moderate scores and fell way below good performance markers. The best performing ministry was the Ministry of Finance at 17 points (out of a maximum possible score of 39) but still fell below 50% of expected performance at 43.59% while the ministries of Kashmir Affairs and Gilgit-Baltistan, Parliamentary Affairs and Maritime Affairs were the worst performers with 7 points each, or 17.94%. In accumulation, the selected 29 federal ministries

could score only 318 (28.59%) out of a maximum of 1,131 points. Overall, this is poor performance in terms of compliance with proactive disclosure under Section 5 of the Act.

Detailed findings: Of the 29 ministries, 28 could score only between 7 to 14 points (ranging between 17.95% to 35.89%) out of a possible maximum of 39 points. Of these, only four ministries – Ministry of Commerce and Textile, Ministry of Climate Change, Ministry of Information Technology & Telecom and Ministry of Law and Justice) – could achieved 14 (35.89%) points, each.

Another group of four ministries – Ministry of Industries and Production, Ministry of Information Broadcasting, National History and Literary Heritage, Ministry of Inter-Provincial Coordination and Ministry of Religious Affairs and Interfaith Harmony – scored only 13 (33.33%) points, each.

Ministries that could score 12 points (30.76%) each, include Ministry of Education and Professional Training, Ministry of Interior, Ministry of National Health Services and Regulation and Coordination and Ministry of Water Resources.

A group of ministries could achieve a mere 11 out of 39 points (28.20%), each. These include Ministry of Narcotics Control, Ministry of Food Security and Research, Ministry of Planning, Development and Reforms and Ministry of Railway.

The remaining 12 ministries could get 10 or less out of 39 points. These included: Ministry of Housing and Works and Ministry of Overseas Pakistanis (10 points for each); Ministry of Communications, Ministry of Defense Production, Ministry of Science and Technology and Ministry of Statistics (09 points for each); Ministry of Defense, Ministry of Foreign Affairs and Ministry of States and Frontier Regions (08 points for each); and Ministry of Kashmir Affairs and Gilgit Baltistan and Ministry of Maritime Affairs (07 points for each).

PART 4: INDICATOR-WISE SCORECARD (OF COMPLIANCE BY MINISTRIES)

Before the analysis of data on indicators-wise compliance by the ministries, it is important to understand what are these indicators and where have they come from? In Part 1 of this report, it has been explained that Section 5 of the Federal Right of Access to Information Act 2017 requires all public bodies to proactively disclose certain categories of information on their websites. In Part 2 it has been explained that these categories of information, record and reports mentioned in Section 5 of the Act have been divided into 39 measureable indicators. The following is the complete list of the indicators in a tabular format:

Table 2: List of All Indicators

Sr. No	Indicators
A.	Introductory Description of the Ministry's:
1	i. Organization/ organogram
2	ii. Mission statement/ vision/ overview
3	iii. Charter/ functions/ duties or responsibilities
4	iv. Powers/ mandate
5	v. Any services it provides to the public
B.	Directory of officers, indicating their:
6	i. Contact details
7	ii. Duties and functions
8	iii. Remunerations
9	iv. Perks and privileges
C.	A directory of employees, indicating their:
10	i. Contact details
11	ii. Duties and functions
12	iii. Remunerations
13	iv. Perks and privileges
D.	Relevant statutes, rules, regulations, orders and notifications
14	i. Relevant statutes, acts, ordinances
15	ii. Statutory rules
16	iii. Regulations
17	iv. Orders
18	v. Notifications/ SROs etc. applicable to the public body
E.	Substantive or procedural rules and regulations of general application evolved or adopted by the public body, including:
19	i. Any manuals used by the employees
20	ii. Any policies used by the employees
F.	Relevant facts, statement of the policies adopted and criteria standards for exercise of discretionary powers
21	i. Relevant facts and background information relating to important policies and decisions which have been adopted
22	ii. A statement of the policies adopted by the public body
23	iii. The criteria standards or guidelines upon which discretionary powers are exercised by it
G.	Conditions for acquiring licenses/ permits, etc., and transactions/

	agreements
24	i. The conditions upon which members of the public can acquire any license, permit, consent, approval, grant, allotment or other benefits from any public body
25	ii. The conditions upon which transactions, agreements and contracts, including contracts of employment can be entered into with the public body along with particulars of recipients of any concession, permit, license, or authorization granted by the public body
H.	Public participation in decision making and detailed budget
26	i. A description of its decision-making processes as defined in the Federal Government's Secretariat Instructions, 2004 and any instructions for the time being in force for public to provide input into or be consulted about decisions
27	ii. Detailed budget of the public body, including proposed and actual expenditures, original or revised revenue targets, actual revenue receipts, revisions in the approved budget and the supplementary budget.
I.	Clauses related to implementation of the Act
28	i. The methods whereby information in the possession or control of the public body may be obtained
29	ii. The prescribed fee required
30	iii. The name, title and contact details of the designated officials.
J.	Finalized reports
31	i. Performance reports
32	ii. Audit reports
33	iii. Evaluation reports
34	iv. Inquiry or investigation reports
35	v. Any other reports
K.	Miscellaneous
36	i. Such other matters which the principal officer of the public body deems fit to be published in the public interest
37	ii. Such other information as may be prescribed
38	iii. Camera footages at public places, wherever available, which have a bearing on a crime
39	iv. Information or record pertaining to a period earlier than the year 2008, (the same was required to be published within reasonable time after commencement of this Act).

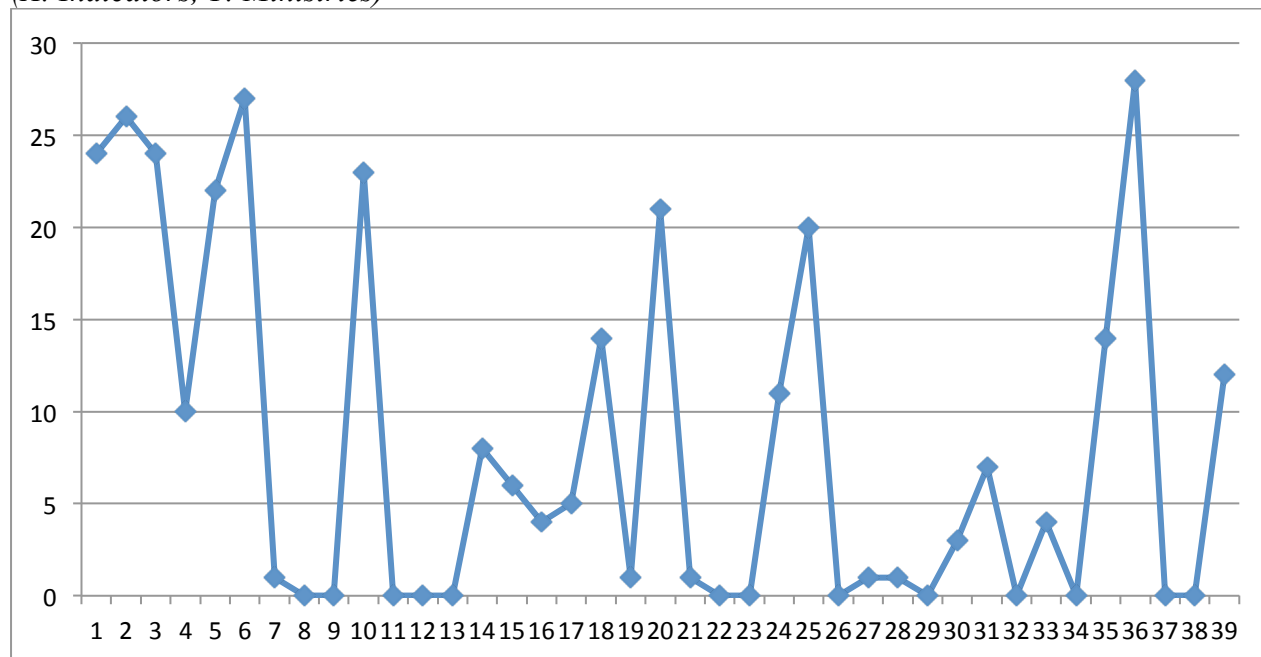
OVERALL INDICATOR-WISE FINDINGS: Overall the ministries scored poorly in terms of indicator-wise performance. Most federal ministries have failed to provide over half the categories of information on their website required under the proactive disclosure clause of the Act. At least 13 out of 39 indicated information categories (or indicators) have not been provided by any of the 29 federal ministries on their official website. The missing categories of information or indicators include information on: remuneration and perks and privileges of officers; duties/functions, remuneration/perks and privileges of employees (other than officers); statement of policies adopted by the ministry and criteria standards or guidelines upon which discretionary powers are exercised by it; and description of its decision-making processes; and audit and inquiry/investigation reports. Of the remaining 26 categories of information, there were only 9 (13%) indicators provided by about 20 ministries. Only five

categories of information were provided by 80% of the ministries. Overall this is poor performance in terms of compliance with proactive disclosure under Section 5 of the Act.

The following Chart highlights the cumulative performance of 29 ministries against the 39 indicators.

CHART 2: Cumulative performance of 29 ministries against 39 indicators:

(X: Indicators, Y: Ministries)



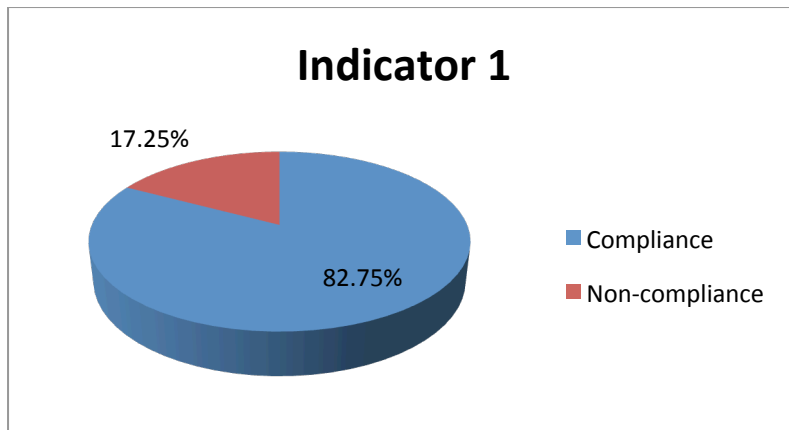
Highly performed indicators – categories of information volunteered by most ministries

Only five of the 39 categories of information are provided by a majority – around 80% – of the 29 ministries. These include: organization/ organogram; mission statement/ vision/ overview; charter/functions/ duties or responsibilities; contact details of officers and employees; and such other matters which the principal officer of the public body deems fit to be published in the public interest. Below charts show the state of compliance of five of these highest performing indicators:

Indicator 1: Organization/ Organogram.

A total of 24 of the 29 ministries (82.75%) have uploaded their organograms or information on their organizational structures. See Figure 1 below:

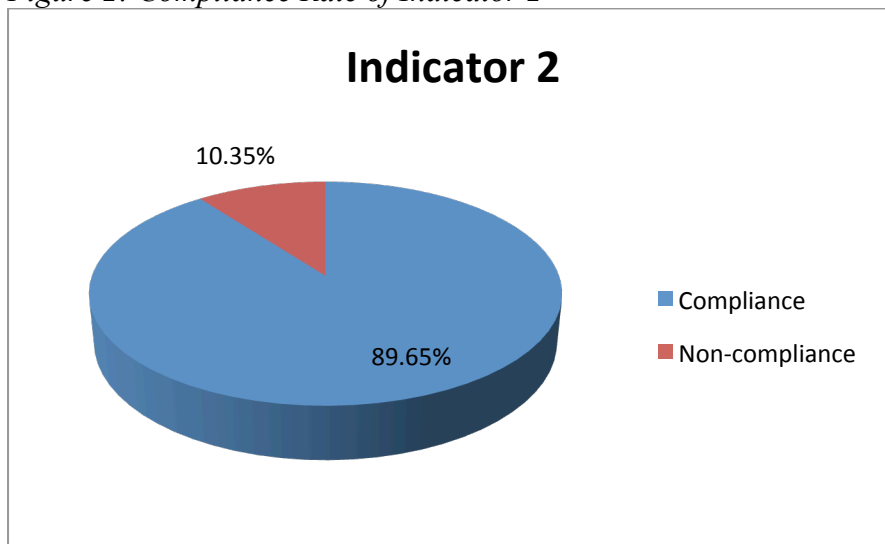
Figure 1: Compliance Rate of Indicator 1



Indicator 2: Mission Statement, Vision or Overview.

A total of 26 out of the 29 ministries (89.65%) have provided this category of information, making it the third highest complied-with indicator. See Figure 2 below:

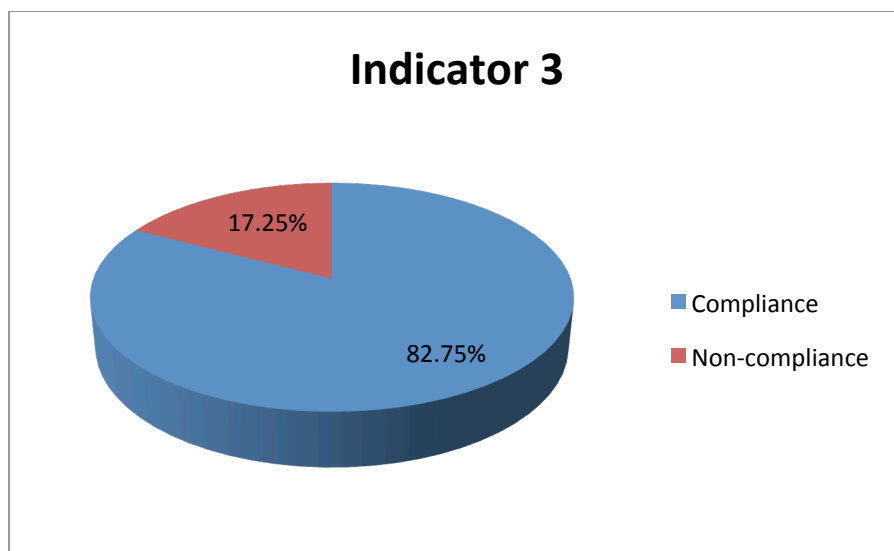
Figure 2: Compliance Rate of Indicator 2



Indicator 3: Charter/ Functions/ Duties or Responsibilities.

A total of 24 out of the 29 ministries have provided this category of information on their websites. See Figure 3 below:

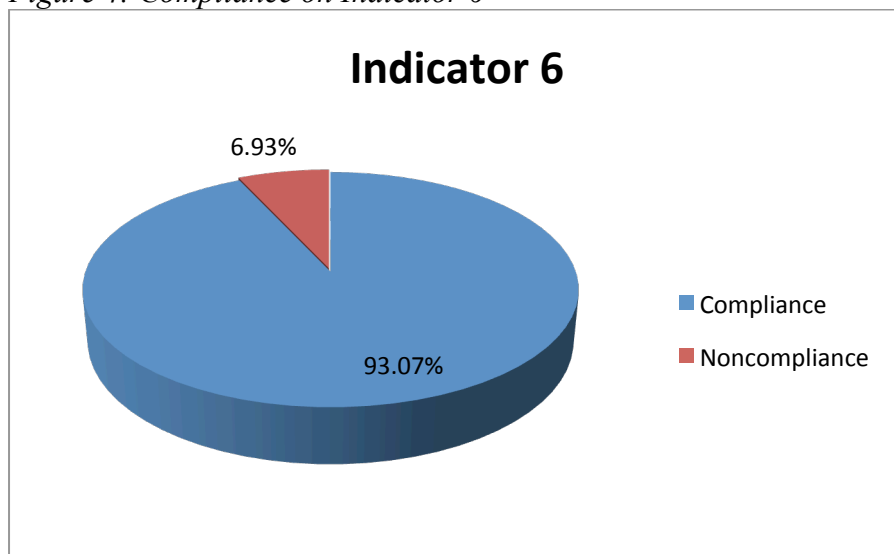
Figure 3: Compliance Rate of Indicator 3



Indicators 6 and 10: Contact Details of the Ministry (Officers and Employees).

A total of 27 of the 29 ministries have provided contact details of its officers (Indicator 6) and 23 of the 29 ministries have provided contact details of its non-officer employees (Indicator 10). See Figure 4 below:

Figure 4: Compliance on Indicator 6



Least performed indicators – categories of information not volunteered by any ministry

No ministry has provided on its website at least 13 of the 39 categories of information. These indicators include information on remuneration and perks and privileges of officers (Indicators 08 and 09); duties/functions, remuneration/perks and privileges of employees, other than officers (Indicators 11, 12, 13); statement of policies adopted by the ministry and criteria standards or guidelines upon which discretionary powers are exercised by it

(Indicator 22 and 23); and description of its decision making processes; and audit and inquiry/investigation reports (Indicator 26).

Additionally, five of the remaining 26 indicators could achieve only one (01) score. This means that each of these categories of information has been provided by only one of the 29 ministries only. These indicators include: information on duties and functions of the officers of the ministries (Indicator 07); manuals on the substantive or procedural rules and regulations being used the employees of the ministry (Indicator 19); relevant facts and background information relating to important policies and decisions which have been adopted by the ministries (Indicator 21); detailed budget of the public body, including proposed and actual expenditures, original or revised revenue targets, actual revenue receipts, revisions in the approved budget and the supplementary budget (Indicator 27); and methods whereby information in the possession or control of the public body may be obtained (Indicator 28).

The table below provides details of indicators either not found on the website of any ministry or on the website of only one of the 29 ministries:

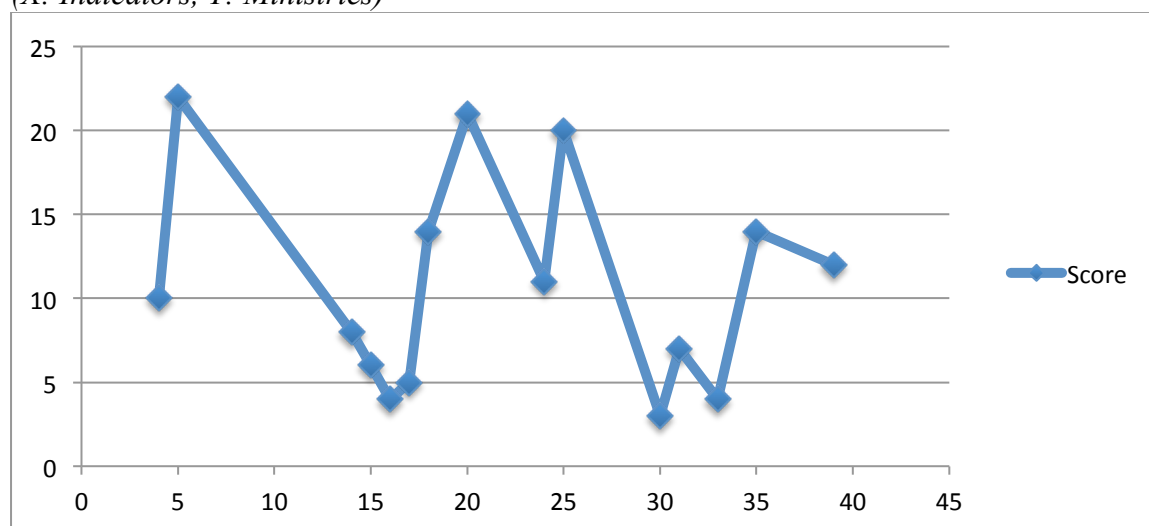
Table 2: List of least performing indicators

Indicator #	Indicators	Score
8	Remunerations	00
9	Perks and privileges	00
11	Duties and Functions	00
12	Remunerations	00
13	Perks and privileges	00
22	A statement of the policies adopted by the public body	00
23	The criteria standards or guidelines upon which discretionary powers are exercised by it	00
26	A description of its decision-making processes as defined in the Federal Government's Secretariat Instructions, 2004 and any instructions for the time being in force for public to provide input into or be consulted about decisions	00
29	The prescribed fee required	00
32	Audit reports	00
34	Inquiry or investigation reports	00
37	Such other information as may be prescribed	00
38	Information or record pertaining to a period earlier than the year 2008, (the same was required to be published within reasonable time after commencement of this Act)	00
07	Duties and Functions of Officer	01
19	Any manuals on the substantive or procedural rules and regulations being used the employees of the ministry	01
21	Relevant facts and background information relating to important policies and decisions which have been adopted by the ministries	01
27	Detailed budget of the public body, including proposed and actual expenditures, original or revised revenue targets, actual revenue receipts, revisions in the approved budget	01

	and the supplementary budget	
28	Methods whereby information in the possession or control of the public body may be obtained	01

The chart below shows compliance of the remaining 15 indicators by the 29 ministries. Ministries are given on Y-axis and indicators on X-axis. A detailed list of indicators along with their respective scorecard (ranging between 03 to 22) is given as *Annexure D*.

CHART 3: Compliance of remaining 15 indicators by 29 ministries
(X: Indicators, Y: Ministries)



This graph shows the number of ministries (on Y-axis) providing the indicated information – or indicators (on X-axis) – proactively on their websites. For example, information on powers and mandate of the ministries (Indicator 04) is available on the websites of 10 ministries. Similarly, statutes, ordinances and acts concerning the public bodies (Indicator 14) are given only on 08 websites. Notifications and SROs (Indicator 18), relating to the public body, are available on the websites of 14 ministries. The performance reports (Indicator 31) are available on the websites of only seven ministries.

KEY FINDINGS

Around 33% federal ministries are not even online

Section 5 of Pakistan's Federal Right of Access to Information Act, 2017, requires all public bodies, which include all federal ministries, to proactively disclose specified information through their dedicated websites by April 13, 2018. However, only 29 out of a total of 46 federal ministries, functional until 30 July 2018, even have websites. At least 17 federal ministries don't even have websites and therefore are in 100% non-compliance of the Act. This means every third federal ministry is not online and, therefore, in 100% non-compliance with the proactive disclosure clause of the Act.

The best and the worst performing federal ministries

Overall, all ministries have achieved only poor to moderate scores in terms of compliance with proactive disclosure of information. The best performing ministry is the Ministry of Finance at 17 points (out of a maximum possible score of 39) or 43.59%.

The top three performers (in terms of scores and percentages) are 9 ministries:

1. Ministry of Finance – *17 out of 39 points (43.59%)*
2. Ministry of Law and Justice, Ministry of Climate Change, Ministry of Information Technology & Telecom and Ministry of Commerce and Textile – *14 out of 39 points (35.89%)*
3. Ministry of Information, Broadcasting, Natural History & Literary Heritage, Ministry Inter-Provincial Coordination, Ministry of Industries and Production and Ministry of Religious Affairs and Interfaith Harmony – *13 out of 39 points (33.33%)*

The worst three performers (in terms of scores and percentages) are 10 ministries:

1. Ministry of Parliamentary Affairs, Ministry of Kashmir Affairs and Gilgit-Baltistan and Ministry of Maritime Affairs – *7 points each out of maximum 39 points (17.94%)*
2. Ministry of Defense, Ministry of Foreign Affairs and Ministry of States and Frontier Regions – *8 points each out of maximum 39 points (20.51%)*
3. Ministry of Communications, Ministry of Science and Technology, Ministry of Defense Production and Ministry of Statistics – *9 points each out of maximum 39 points (23.07%)*

The most provided categories of information by ministries

Most federal ministries fail to provide over half the categories of information on their website required under the proactive disclosure clause of the Act. Only five of the 39 categories of information are provided by a majority – around 80% – of the 29 ministries.

The three most provided categories of information required under the law:

Category #1: Organization/ Organogram.

A total of 24 of the 29 ministries (82.75%) have uploaded their organograms or information on their organizational structures.

Category #2: Mission Statement, Vision or Overview.

A total of 26 out of the 29 ministries (89.65%) have provided this category of information, making it the third highest complied-with indicator.

Category #3: Charter/ Functions/ Duties or Responsibilities.

A total of 24 out of the 29 ministries have provided this category of information on their websites.

The least provided categories of information

No ministry has provided on its website at least 13 of the 39 categories of information required to be proactively disclosed under Section 5 of the Act. Additionally, five of the remaining 26 categories of information has been provided by only one of the 29 ministries.

The **least provided** categories of information required under the law:

Categories # 08 and #09: Information on remuneration and perks and privileges of officers
Provided by none of the 29 federal ministries with a website.

Categories #11, #12 and #13: Duties/functions, remuneration/perks and privileges of employees, other than officers
Provided by none of the 29 federal ministries with a website.

Categories #22 and #23: Statement of policies adopted by the ministry and criteria standards or guidelines upon which discretionary powers are exercised by it
Provided by none of the 29 federal ministries with a website.

Category #26: Description of the its decision-making processes; and audit and inquiry/investigation reports
Provided by none of the 29 federal ministries with a website.

Government disinterest and delay

There seems be a disinterest by the federal government in enforcement of the Federal Right of Access to Information Act, 2017. This general disinterest is manifested in delays regarding some of the Act's most critical enforcement aspects:

1. Section 18 of the Act requires the Prime Minister to establish an Information Commission within six months of the commencement of the Act. However, one year after the commencement of the Act the commission had not been notified.
2. Section 09 of the Act requires all public bodies, including all federal ministries, to appoint a designated official to facilitate the access to information under the law. However, one year after the commencement of the Act, almost none of the federal ministries had formally designated their focal person and provided their contact details on the website.
3. Section 05 of the Act requires all public bodies, including the federal ministries to establish their websites and proactively disclose a set of 39 categories of information. However, one year after the commencement of the Act, only 29 out of a total of 46 federal ministries, functional until 30 July 2018, even had websites. At least 17 federal ministries did not have website.

4. Rules of business – The Act requires the federal government to formulate and implement rules of business to facilitate enforcement of the Act but one year after its enactment, these had not even been formulated, thereby impeding the Act's enforcement.

Annexure A: Section 5 of the Federal Right of Access to Information Act 2017

“5. Publication and availability of record.- (1) The principal officer of each public body shall, within six months of the commencement of this Act, ensure that the following categories of information and record are duly published including uploading over the internet in a manner which best ensures that these are accessible subject to reasonable restrictions based on limited resources:-

- (a) description of the public body's organisation and functions, duties, powers and any services it provides to the public, including a directory of its officers and employees, indicating their duties and functions and their respective remunerations, perks and privileges;
- (b) statutes, statutory rules, regulations, bye-laws, orders and notifications, etc. applicable to the public body disclosing the date of their respective commencement or effect;
- (c) substantive or procedural rules and regulations of general application evolved or adopted by the public body, including any manuals or policies used by its employees;
- (d) relevant facts and background information relating to important policies and decisions which have been adopted, along with a statement of the policies adopted by the public body and the criteria standards or guidelines upon which discretionary powers are exercised by it;
- (e) the conditions upon which members of the public can acquire any licence, permit, consent, approval, grant, allotment or other benefits of whatsoever nature from any public body or upon which transactions, agreements and contracts, including contracts of employment which can be entered into with the public body, along with particulars about the recipients of any concession, permit, licence or authorisation granted by the public body;
- (f) a description of its decision making processes as defined in the Federal Government's Secretariat Instructions, 2004 and any instructions for the time being in force for public to provide input into or be consulted about decisions;
- (g) detailed budget of the public body, including proposed and actual expenditures, original or revised revenue targets, actual revenue receipts, revisions in the approved budget and the supplementary budget;
- (h) the methods whereby information in the possession or control of the public body may be obtained and the prescribed fee required along with the name, title and contact details of the designated officials;
- (i) reports including performance reports, audit reports, evaluation reports, inquiry or investigation reports and other reports that have been finalised;
- (j) such other matters which the principal officer of the public body deems fit to be published in the public interest;
- (k) such other information as may be prescribed; and
- (l) Camera footages at public places, wherever available, which have a bearing on a crime:

Provided that if the information or record pertains to a period earlier than the year 2008, the same shall be published within reasonable time.”

Annexure B: Datasheets of the best performing and least performing ministries

A. Best performing Ministry

Ministry of Finance (<http://www.finance.gov.pk/>)

Sub-Sec	Information and Records Required to be Published and Uploaded over Internet Under Section 5 (1) of The Right of Access to Information Act 2017	Total Marks	Additional details of specific Documents/ Records, Uploaded by the Ministry (where required)	Marks Scored	Location on Website	URL (as on June 30, 2018)
5(1)(a)	Description of the Ministry's	1		0		
	i. Organization/ organogram					
	ii. Mission Statement/ Vision/ overview	1	Mission, Overview	1	Home	http://www.finance.gov.pk/
	iii. Charter/ Functions / duties or responsibilities	1	Functions/ responsibilities	1	Home	http://www.finance.gov.pk/functions_FD.pdf
	iv. Powers/ mandate	1	Mandate	1	Home	http://www.finance.gov.pk/functions_FD.pdf
	v. Any services it provides to the public, A directory of officers, indicating their:	1	Pensioners' Facilitation	1	Home	http://www.finance.gov.pk/pensioners.html
	i. Contact details	1		1	Contact us	http://www.finance.gov.pk/directory/detail/details/directory.html
	ii. Duties and Functions	1		0		
	iii. Remunerations.	1		0		
	iv. Perks and privileges A directory of employees, indicating their:	1		0		
	i. Contact details	1		1	Contact us	http://www.finance.gov.pk/directory/detail/details/directory.html
	ii. Duties and Functions	1		0		
	iii. Remunerations.	1		0		

	iv. Perks and privileges	1		0		
5(1)(b)	i. Relevant Statutes/ Acts / Ordinances	1	Fiscal Responsibility and Debt Limitation Act 2005 as Amended up to 1 st July 2017	1	Home	http://www.finance.gov.pk/frdla2005_amended_2017.pdf
	ii. Statutory rules	1		0		
	iii. Regulations	1	Regulations	1	Home	http://www.finance.gov.pk/circulars.html
	iv. Orders	1	Presidential Orders	1	Home	http://www.finance.gov.pk/nfc_historic.html
	v. Notifications/ SROs etc. applicable to the public body	1	Notification on Diyat for FY 17-18 Notifications and Office Orders	1	Home	http://www.finance.gov.pk/circulars/circular_01072017.pdf http://www.finance.gov.pk/notifications.html
5(1)(c)	i. Any Manuals used by the employees	1		0		
	ii Any policies used by the employees	1	Medium Term Debt Management Strategy 2015-16 to 2018-19	1	Home	http://www.finance.gov.pk/publications/MTDS_2015.pdf
5(1)(d)	i. Relevant facts and background information relating to important policies and decisions which have been adopted	1	Background Studies for PRSP II	1	Home	http://www.finance.gov.pk/prsp_background.html
	ii. A statement of the policies adopted by the public body.	1		0		
	iii. The criteria standards or guidelines upon which discretionary powers are exercised by it.	1		0		
5(1)(e)	i. The conditions upon which members of the public can acquire any licence, permit, consent, approval, grant, allotment or other benefits from	1		0		

	any public body.					
	ii. The conditions upon which transactions, agreements and contracts, including contracts of employment can be entered into with the public body along with particulars of recipients of any concession, permit, licence, or authorization granted by the public body.	1	Tenders	1	Home	http://www.finance.gov.pk/tenders_active.html
5(1)(f)	A description of its decision making processes as defined in the Federal Government's Secretariat Instructions, 2004 and any instructions for the time being in force for public to provide input into or be consulted about decisions;	1		0		
5(1)(g)	Detailed budget of the public body, including proposed and actual expenditures, original or revised revenue targets, actual revenue receipts, revisions in the approved budget and the supplementary budget;	1	All the Federal Budgets have been uploaded, however, Ministry's own Budget is not given separately	0	Home	http://www.finance.gov.pk/fb_2018_19.html
5(1)(h)	i. The methods whereby information in the possession or control of the public body may be obtained.	1		0		
	ii The prescribed fee required.	1		0		
	iii. The name, title and contact details of the DOs	1		0		
5(1)(i)	i. Finalized Performance reports	1	PRSP Progress Reports	1	Home	http://www.finance.gov.pk/prsp_report.html
	ii Finalized Audit reports.	1		0		
	iii. Finalized	1		0		

	Evaluation reports.					
	iv. Finalized Inquiry or investigation reports.	1		0		
	v. Any other reports.	1	Pakistan's Economic Surveys	1	Home	http://www.financ.e.gov.pk/survey_1718.html
5(1)(j)	Such other matters which the principal officer of the public body deems fit to be published in the public interest;	1	Very rich website e.g. Other Publications	1	Home	http://www.financ.e.gov.pk/publications_latest.html
5(1)(k)	Such other information as may be prescribed;	1	Large number of 'Other Publications	0	Home	http://www.financ.e.gov.pk/publications_latest.html
5(1)(l)	Camera footages at public places, wherever available, which have a bearing on a crime:	1		0		
Foot Note	Information or record pertaining to a period earlier than the year 2008, (the same was required to be published within reasonable time after commencement of this Act).	1	Fiscal Responsibility and Debt Limitation Act 2005 Year Book 2005-6	1	Home	http://www.financ.e.gov.pk/frdlo.pdf http://www.financ.e.gov.pk/publications/YearBook2005_06.pdf
	Total Score	39		17		
	Percentage Score: $17/39 \times 100 = 43.59\%$					

B. Least Performing Ministry

Ministry of Maritime Affairs (<http://www.mops.gov.pk/>)

Sub-Sec	Information and Records Required to be Published and Uploaded over Internet Under Section 5 (1) of The Right of Access to Information Act 2017	Total Marks	Additional details of specific Documents/ Records, Uploaded by the Ministry (where required)	Marks Scored	Location on Website	URL (as on June 30, 2018)
5(1)(a)	Description of the Ministry's i. Organization/ organogram	1		0		
	ii. Mission Statement/ Vision/ overview	1		1	Home	http://www.mops.gov.pk/frmDetails.aspx
	iii. Charter/ Functions/ duties or responsibilities	1		1	Home	http://www.mops.gov.pk/frmDetails.aspx
	iv. Powers/ mandate	1		0		
	v. Any services it provides to the public, A directory of officers, indicating their:	1	Public Complaints Redressal Mechanism Pensioners' Cell	1	News, Highlights	http://www.mops.gov.pk/frmDetails.aspx
	i. Contact details	1		1	Contact Us	http://www.mops.gov.pk/frmDetails.aspx
	ii. Duties and Functions	1		0		
	iii. Remunerations.	1		0		
	iv. Perks and privileges A directory of employees, indicating their:	1		0		
	i. Contact details	1		0		
	ii. Duties and Functions	1		0		
	iii. Remunerations.	1		0		
	iv. Perks and privileges	1		0		
5(1)(b)	i. Relevant Statutes/ Acts / Ordinances	1		0		
	ii. Statutory rules	1		0		
	iii. Regulations	1		0		
	iv. Orders	1		0		
	v. Notifications/ SROs etc. applicable to the public body	1		0		
5(1)(c)	i. Any Manuals used by the employees	1		0		

	ii Any policies used by the employees	1		0		
5(1)(d)	i. Relevant facts and background information relating to important policies and decisions which have been adopted	1		0		
	ii. A statement of the policies adopted by the public body.	1		0		
	iii. The criteria standards or guidelines upon which discretionary powers are exercised by it.	1		0		
5(1)(e)	i. The conditions upon which members of the public can acquire any licence, permit, consent, approval, grant, allotment or other benefits from any public body.	1	Deep Sea Fishing Licence	1	Home-Tenders/ Public Notices	http://www.mops.gov.pk/frmDetails.aspx
	ii. The conditions upon which transactions, agreements and contracts, including contracts of employment can be entered into with the public body along with particulars of recipients of any concession, permit, licence, or authorization granted by the public body.	1	Tender Notice with Terms and conditions	1	Home-Tenders/ Public Notices	http://www.mops.gov.pk/frmDetails.aspx
5(1)(f)	A description of its decision making processes as defined in the Federal Government's Secretariat Instructions, 2004 and any instructions for the time being in force for public to provide input into or be consulted about decisions;	1		0		
5(1)(g)	Detailed budget of the public body, including proposed and actual expenditures, original or revised revenue targets, actual revenue receipts, revisions in the approved budget and the supplementary budget;	1		0		
5(1)(h)	i. The methods whereby information in the	1		0		

	possession or control of the public body may be obtained.					
	ii The prescribed fee required.	1		0		
	iii. The name, title and contact details of the DOs	1		0		
5(1)(i)	i. Finalized Performance reports	1		0		
	ii Finalized Audit reports.	1		0		
	iii. Finalized Evaluation reports.	1		0		
	iv. Finalized Inquiry or investigation reports.	1		0		
	v. Any other reports.	1		0		
5(1)(j)	Such other matters which the principal officer of the public body deems fit to be published in the public interest;	1	Publications and Organizations	1	Publications & Organizations	http://www.mops.gov.pk/orgDetails.aspx
5(1)(k)	Such other information as may be prescribed;	1		0		
5(1)(l)	Camera footages at public places, wherever available, which have a bearing on a crime:	1		0		
Foot Note	Information or record pertaining to a period earlier than the year 2008, (the same was required to be published within reasonable time after commencement of this Act).	1		0		
	Total Score	39		7		
	Percentage Score: $7/39 \times 100 = 17.95$					

Legend (for PDI)

MoC&T (I): Ministry of Commerce and Textile
MoCC (II): Ministry of Climate Change
MoC (III): Ministry of Communications.
MoD (IV): Ministry of Defence.
MoDP (V): Ministry of Defence Production.
MoFE&PT (VI) Ministry of Federal Education and Professional Training
MoF (VII): Ministry of Finance
MoFA (VIII): Ministry of Foreign Affairs
MoH&W (IX): Ministry of Housing and Works
MoI&P (X) Ministry of Industries and Production
MoIBNH&LH (XI): Ministry of Information, Broadcasting, National History & Literary Heritage
MoIT&T (XII): Ministry of Information Technology and Telecommunications
MoI (XIII): Ministry of Interior
MoIPC (XIV): Ministry of Inter Provincial Coordination
MoKA&GB (XV): Ministry of Kashmir Affairs and Gilgit Baltistan
MoL&J (XVI): Ministry of Law and Justice
MoNC (XVII): Ministry of Narcotics Control
MoNFS&R (XVIII): Ministry of National Food Security and Research
MoNHSR&C (XIX): Ministry of National Health Services, Regulations and Coordination
MoOP (XX): Ministry of Overseas Pakistanies
MoPA (XXI): Ministry of Parliamentary Affairs
MoPD&R (XXII): Ministry of Planning, Development & Reforms
MoMA (XXIII): Ministry of Maritime Affairs
MoR (XXIV): Ministry of Railways
MoRA&IFH (XXV): Ministry of Religious Affairs and Interfaith Harmony
MoS&T (XXVI): Ministry of Science and Technology
MoS&FR (XXVII): Ministry of States and Frontier Regions.
MoS (XXVIII): Ministry of Statistics
MoWR (XXIX): Ministry of Water Resources

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IRADA envisions a democratic, participatory, peaceful and just polity in Pakistan

OUR MISSION

1. Strengthening **democracy** *through* inclusivity and pluralisms
2. Strengthening **local empowerment** *through* devolution of powers
3. Strengthening **governance** *through* accountability and transparency
4. Strengthening **justice** *through* fundamental rights

OUR WORK

1. Promoting **inclusivity and pluralisms** *through* support for free speech, civil liberties, peace and rights of minorities and marginalized communities
2. Promoting **devolution of powers** *through* support for empowerment of provinces and districts, policy development, provincial-level legislation and local governance
3. Promoting **accountability and transparency** *through* support for right to information, free media, open internet, open government
4. Promoting **fundamental rights** *through* support for equality, access to justice and rule of law.

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